

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

**August 23, 2004**

**MEMBERS PRESENT:** Geri Kupecky, Mort Heidari, Cliff Aucter, Emery Zahner, Lori Spielman, Bob Hoffman, and Alternates James Prichard (arrived 7:07), Arlo Hoffman, and Ronald Small

**MEMBERS ABSENT:** NONE

**STAFF PRESENT:** Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

**I. CALL TO ORDER**

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:04 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

**THE COMMISSION AGREED TO GO OUT OF ORDER**

1. #Z200425—Ellington Football League for site plan modification and CGS 8-24 Review to install construct a 30' x 24' addition to the existing well house on property located at 45 Sadds Mill Road, APN 079-004-0000 in an A-Zone.

Mr. Davis explained that the Wetland permit was approved August 16, 2004.

**TIME:** 7:05

**SEATED:** G. Kupecky, C. Aucter, E. Zahner, L. Spielman, B. Hoffman, M. Heidari

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200425 – ELLINGTON FOOTBALL LEAGUE.**

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200425 – ELLINGTON FOOTBALL LEAGUE.**

2. #Z200426 – Dzen Brothers, Inc. for a zone change to PC/Planned Commercial on property located at 187 Windsorville Road & 8 Pinney Street, APN 009-041-0000 & 009-042-0000 in a C and MF Zone.

**TIME:** 7:08

**SEATED:** G. Kupecky, C. Aucter, E. Zahner, L. Spielman, B. Hoffman, M. Heidari



On behalf of the applicant, Peter Demallie of Design Professionals provided an overview of the proposal, including the prospective development, if the rezone were to be approved. The applicant agreed with the planner's suggestion to apply the PC Zone. The CRCOG referral found that there were no negative inter municipal impacts. Members had questions about traffic and the applicant submitted a brief traffic analysis that had been requested by the planner. Issues specific to the site development will be addressed under the site plan review and the PZC members generally agreed the proposed rezone was consistent with the current Plan of Conservation & Development.

**MOVED (KUPECKY), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200426 DZEN BROTHERS, INC.**

**MOVED (KUPECKY), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE #Z200426– DZEN BROTHERS, INC. AS CONSISTANT WITH THE PLAN OF DEVELOPMENT.**

**EFFECTIVE DATE UPON EXPIRATION OF THE APPEAL PERIOD.**

**THE COMMISSION WENT BACK TO THE ORIGINAL ORDER:**

3. #Z200419 – Developers Reality Corporation for a special permit and site plan approval for a supermarket on property located on West Road, APN 046-003-0000 in a PC Zone.

**TIME:** 7:25

**SEATED:** C. Aucter, L. Spielman, J. Prichard, A. Hoffman, B. Hoffman

Attorney David Hoopes, Mayo, Gilligan & Zito, gave a quick overview of the project and how they made changes in order to address previous concerns.

Pat Gorman, Developers Realty Corporation, explained the changes in more detail. They also closed off the second curb cut and made provisions for snow storage.

Dave Dumeer, Developers Realty Corporation, showed all the elevation changes, intended to address architectural concerns.

Rob Baltramaitis, Traffic Engineer, reviewed his traffic report with the commission. He explained that he has addressed David Spears changes. If necessary, they agreed to extend the south bound deceleration lane.

Attorney David Hoopes, stated that the opposition had all materials sent to them in time for the August meeting, and that the applicant has addressed all comments.

Pat Gorman, DRC, said that Jim Thompson has approved the plan.

On behalf of the intervener, Mark Goodin, Mehan & Goodin, continued to assert the plan is insufficient in various aspects.

On behalf of the intervener, David Spear, Traffic Engineer, DLS Consulting, Inc. handed out a revised traffic report and reviewed it with the commission. He also continued to assert the applicants analysis was flawed.

Attorney Philip Walker, for Attorney Meg Rattigan stated that the application is still incomplete and should be denied.



Rodney Morrison, Developers Realty Corporation, reiterated the storm water system exceeds town requirements.

Commissioner Spielman said there were big improvements in the landscaping but she wanted to see more Wetland plants within the water quality basin.

Both the applicant and interveners indicated they had completed their presentations. No further comments from the public or commissioners were made, with the sole exception of a request by commissioner Heidari (not seated) to keep the hearing open so he could listen to the tapes, be seated in the place of a sitting alternate, and ask questions, based on his review of the tape.

After considerable discussion regarding the request, the commission agreed to continue the hearing to a special meeting on August 30, 2004, that had previously been scheduled for the sole purpose of finishing the proposed ARCHZ regulation.

**MOVED (AUCTER), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO MONDAY, AUGUST 30, 2004 SPECIAL MEETING.**

4. #Z200421—Dale Cunningham for a special permit and site plan approval for a radio tower on property located at 3 South Road, APN 112-048-0000 in a RA-Zone.

**TIME:** 8:45

**SEATED:** C. Aucter, L. Spielman, G. Kupecky, E. Zahner, M. Heidari, B. Hoffman

Mr. Davis noted that the applicant had requested an additional extension in order to address comments received by staff.

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER 27, 2004, PER THE APPLICANT REQUEST FOR #Z200421– DALE CUNNINGHAM.**

5. #S200407—Gingras Development, LLC for a 20 lot subdivision on properties located on Crane Road, APN 060-002-0000 & 060-004-0000 in an A-Zone.

**TIME:** 9:00

**SEATED:** C. Aucter, L. Spielman, G. Kupecky, E. Zahner, M. Heidari, B. Hoffman

Mr. Davis noted that applicant had requested an extension in order to finalize Plan amendment of the storm water system and staffs review and approval of those changes.

**MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER 27, 2004, PER THE APPLICANTS REQUEST FOR #S200407– GINGRAS DEVELOPMENT, LLC.**

**THE COMMISSION REVIEWED ITEMS 5 & 6 TOGETHER**

6. #S200402—Rachel Lee Wheeler-Rossow for a 4 lot resubdivision on property located on Overhill Road and Cranberry Lane, APN 180-013-0000 in an A-Zone.



7. #Z200423—Rachel Lee Wheeler-Rossow for a special permit for 4 rear lots in conjunction with a 4 lot resubdivision on property located on Overhill Road and Cranberry Lane, APN 180-013-0000 in an A-Zone.

**TIME:** 9:45

**SEATED:** J. Prichard, L. Spielman, C. Aucter, E. Zahner, A. Hoffman, G. Kupecky

Attorney Bruce Fader, came forward for the applicant. He explained the changes in the plan. The drive for lot 2 has been relocated to access off of Overhill Road. He doesn't think the commission should require open space or a fee-in-lieu. Conservation has recommended a fee-in-lieu. The commission disagreed with Attorney Fader's position and after a lengthy discussion, the applicant agreed to provide the fee-in-lieu in accordance with a current appraisal.

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200402 & #Z200423 RACHEL LEE WHEELER-ROSSOW.**

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED (RECUSED: B. HOFFMAN) UNANIMOUSLY TO APPROVE WITH MODIFICATION #S200402 & #Z200423– RACHEL LEE WHEELER-ROSSOW.**

**MODIFICATION: LOT 2 DRIVEWAY TO BE RELOCATED FROM CRANBERRY LANE TO OVERHILL ROAD.**

8. #Z200430 - Gott, LLC for Bill & Judy Delany for a modification of a special permit #Z200327 for an accessory apartment on property located at 67 Snipsic Lake Road, APN 057-003-0000.

**TIME:** 10:30

**SEATED:** C. Aucter, L. Spielman, G. Kupecky, E. Zahner, M. Heidari, B. Hoffman

Werner Kunzli, Gott, LLC, came forward to explain the plan.

Mr. Davis explained the permit history including the ZBA approval, the plan approved with the original special permit, and the changes now proposed.

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200430 GOTT, LLC.**

**MOVED (SPIELMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE #Z200430 – GOTT, LLC.**

9. #Z200420—Ellington Planning & Zoning Commission for an amendment to the Ellington Zoning Regulations to create an "Age-Restricted Cluster Housing Zone" regulation.  
(Continued from the June 16, 2004 special meeting).

**TIME:** 10:40

**SEATED:** C. Aucter, L. Spielman, G. Kupecky, E. Zahner, M. Heidari, B. Hoffman



**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO MONDAY, AUGUST 30, 2004 SPECIAL MEETING FOR #Z200420 ELLINGTON PLANNING & ZONING COMMISSION.**

**BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE FOLLOWING APPLICATIONS AND TOOK ACTION AS NOTED:**

**V. NEW BUSINESS:**

1. #Z200432 – Peter Sirois for William Kaiser for a special permit for 1 rear lot on property located at 41 Newell Hill Road, APN 127-013-0000 in an RA Zone. **(RECEIPT ONLY)**
2. #S200409 – Peter Sirois for William Kaiser for a three lot subdivision on property located at 41 Newell Hill Road, APN 127-013-0000 in an RA Zone. **(RECEIPT ONLY)**
3. #S200408 – Denise Rodrigue for a resubdivision on property located at Extension of Ridge Drive for High Ridge II, APN 066-005-0000 in an AA Zone. **(RECEIPT ONLY)**
4. #Z200431 – Dover Corp. for a zone change to MF/Mutli-Family on property located at 35 Windermere Ave, APN 011-013-0000 in an IP Zone. **(RECEIPT ONLY)**
5. #S200410 – Christopher E. DeAnn C. Yanaros for a seven lot subdivision on property located at 27 Ladd Road, APN 131-001-0000 in an RA Zone. **(RECEIPT ONLY)**
6. #Z200433 – Great Country Garages for special permit and site plan approval for retail sales on property located at 210 West Road, APN 037-002-0000 in a PC Zone. **(RECEIPT ONLY)**
7. #S200411 – Angel Trace, LLC for a 25 lot subdivision on property located at the rear of Crystal Lake Road, APN 110-018-0000 in an RA Zone. **(RECEIPT ONLY)**
8. #Z200434 – Angel Trace, LLC for a special permit for 2 rear lots on property located at 94 Crystal Lake Road, APN 109-009-0000 in an RA Zone. **(RECEIPT ONLY)**

**STAFF NOTED THAT THIS ITEM #8 WILL BE INCLUDED IN APPLICATION #S200411 AND AS TWO ADDITIONAL STANDARD LOTS, NOT REAR LOTS. (#S200411 WILL BE A 27 LOT SUBDIVISION).**

9. Request of Santini Homes for CGS – 8-24 regarding acceptance of Gasek Farms I and bond Reduction. **(RECEIPT ONLY)**
10. Request for a second 90-day extension to file subdivision mylars for the Eagle Estates subdivision (S200401).

**MOVED (KUPECKY), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO GRANT A 90-DAY EXTENSION, FOR RECORDING THE MYLAR ON THE LAND RECORDS FOR EAGLE ESTATES SUBDIVISION - #S200401.**

**VI. ADMINISTRATIVE BUSINESS:**

1. “CenterEdge” Discussion and Ad Hoc Committee.



Mr. Davis provided an overview of this initiative and suggested the commission monitor its progress.

2. Discussion and recommendation regarding Build Out Analysis.

Mr. Davis noted the BOS will be requesting comments from Boards/Agencies.

3. Discussion of Fees In Lieu of Open Space.

Mr. Davis noted the Conservation Commission has decided to review current open space fees, as some members of that commission feel the town may not be receiving sufficient fees. Mr. Davis has explained the respective roles of the PZC and Conservation Commission in this area, and hopes that any finding the Conservation Commission develops will be shared with the PZC.

4. Discussion of zoning requirements for farm stands
5. Discussion of zoning requirements for “road-side vendors”

Mr. Davis noted that we do not currently have specific regulations/standards or requirements for these uses and at some future time, the PZC may wish to consider this in order to provide staff with necessary guidance.

6. Discussion re: Design Review Board (DRB) staffing.

Chairman Zahner handed out a “draft” review guide (no date, no signature) to the members, noting that it had been provided to him by Mr. Pete Williams, who was in attendance. Mr. Williams (staff to the DRB) noted that he had prepared the draft at the request of the First Selectman, reviewed it with the First Selectman, and provided it the Chairman at the First Selectman’s request. Mr. Williams also noted that the DRB has not yet met as a commission. The “draft” (copy attached) provided a very basic outline of the DRB’s proposed purpose, scope and review procedure.

Mr. Davis provided copies of documents he has produced in regards to design review issues, dating to December of 2003. He noted that he had not been given a copy of this draft, and that he previously had been directed by the First Selectman (August 17, 2004 staff meeting) to contact DRB members to set up a joint PZC/DRB discussion. Mr. Davis felt that in light of the fact the DRB has not met, such a meeting might be premature. Mr. Williams agreed and suggested the purpose of the DRB was to support the PZC, in that the PZC didn’t have the “expertise” to perform design review. Mr. Williams will set up a DRB meeting and once the DRB has provided an outline of proposed procedures, scope and list of topics to discuss, he will contact the planner to schedule a PZC/DRB discussion. The PZC agreed that was the appropriate approach at this time.

1. Approval of Meeting Minutes:
  - a. May 20, 2004 Special Meeting Minutes
  - b. May 24, 2004 Regular Meeting Minutes
  - c. June 16, 2004 Special Meeting Minutes
  - d. June 28, 2004 Regular Meeting Minutes

**MOVED (A. HOFFMAN), SECONDED (KUPECKY) AND PASSED TO APPROVE THE MEETING MINUTES OF MAY 23, 2004 REGULAR MEETING, MAY 20, 2004 SPECIAL MEETING, JUNE 16, 2004 SPECIAL MEETING, JUNE 28, 2004 REGULAR MEETING MINUTES.**

- e. July 26, 2004 Regular Meeting Minutes



**MOVED (A. HOFFMAN) SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE THE JULY 26, 2004 MEETING MINUTES WITH THE FOLLOWING CORRECTIONS: 1) BOB HOFFMAN RECUSED HIMSELF IN THE RACHEL WHEELER-ROSSOW APPLICATION.**

2. Correspondence: **(RECIEPT NOTED, NO DISCUSSION)**

- a. Letter to Attorney Bruce Fader from Matt Davis & Richard Kalva, dated August 6, 2004.
- b. Municipal Management Bulletin.
- c. Letter to Dennis Milanovich from Mark Leighton, dated July 19, 2004.
- d. Fax to Antonette Webster from Matt Davis.
- e. Memo to Matt Davis from Dennis Milanovich, dated August 11, 2004.
- f. Fax to James Aldrich from Matt Davis, dated August 13, 2004.
- g. Letter to Bruce Luginbuhl from Rick Kalva, dated August 13, 2004.
- h. Letter to Dennis Milanovich from Mark Leighton, dated July 19, 2004.

**VII. ADJOURNMENT:**

**MOVED (SPIELMAN) SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:00 PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary